



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation
on the **2nd day of April, 2003**

Essential Air Service at

Bradford, Pennsylvania

under 49 U.S.C. 41731 *et seq.*

Docket OST-2003-14528

**ORDER PROHIBITING TERMINATION OF SERVICE AND
REQUESTING PROPOSALS**

Summary

By this order, we are (a) prohibiting Air Midwest, a wholly-owned subsidiary of Mesa Air Group, Inc. (Air Midwest) from terminating its unsubsidized services at Bradford, Pennsylvania; (b) requiring the carrier to maintain service between the community and Pittsburgh, Pennsylvania, for an initial 30-day period following the end of the notice period; and (c) requesting proposals from carriers interested in providing replacement service at the community. (See Appendix A for an area map.)

Background

Bradford is guaranteed to receive at least a minimum level of air service under the Essential Air Service (EAS) program by virtue of the fact that the community appeared on a certificated carrier's Civil Aeronautics Board-issued certificate on October 24, 1978, the date the Airline Deregulation Act of 1978 was signed into law. (See 49 U.S.C. 41731-41744 for the EAS program's governing statutes.) On March 14, 2003, Air Midwest filed a 90-day notice of its intent to suspend its unsubsidized scheduled air service at the Bradford Regional Airport, which is located approximately 17 miles south of the community, effective on June 14, 2003. Air Midwest is the only carrier serving Bradford. Its current service at Bradford consists of two nonstop round trips on weekdays and two over the weekend to Pittsburgh using 19-seat Beech 1900D aircraft.¹ The Niagara Falls

¹ US Airways' online scheduled flight information – March 23, 2003.

International Airport, serving Buffalo, New York, the closest medium-hub airport to the community, is approximately 103 miles north of Bradford, while Pittsburgh International Airport, a large-hub airport, is located approximately 186 highway miles southwest of Bradford.

Essential Air Service Determination and Current Service

The community's EAS determination, last set by Civil Aeronautics Board Order 83-3-15, requires a minimum of two weekday and weekend nonstop round trips to the large hub airport at Pittsburgh.²

Request for Proposals

We request that any carriers interested in providing essential air service at Bradford file their proposals within 20 days of the service date of this order. We ask that carriers submit proposals for two or three round trips each weekday and weekend to Pittsburgh with 15-19 seat aircraft, or two round trips a day with larger aircraft. We will also entertain proposals to other hubs that provide access to the National air transportation system in order to give the Department and the community as broad an array of proposals as possible from which to choose. Bradford-Pittsburgh service should be nonstop, while service to other hub airports may be either nonstop or one-stop. Of course, as always, we will formally solicit the community's views on any service options we receive before making a long-term carrier selection decision. In order to assist carriers in making their traffic and revenue forecasts, we have included historical traffic data for Bradford in Appendix B.

Procedures for Filing Competitive Proposals

For interested carriers unfamiliar with our procedures and recommended form for supplying the necessary information, we have prepared two explanatory documents that we will make available upon request. The first describes the process for handling carrier replacement cases under 49 U.S.C. 41734(f), and discusses in detail the process of requesting proposals, conducting reviews of applicants, and selecting a replacement carrier. The second is an evidence request containing an explanatory statement, a copy of Part 204 of our regulations (14 CFR 204), and schedules setting forth our recommended form for submitting data required for calculating compensation and determining the financial and operational ability of applicants to provide reliable service. (Section 204.4 describes the fitness information required of all applicants for authority to provide essential air service.) Applicant carriers that have already submitted this information in another case need only resubmit it if a substantial change has occurred. However, if there are more recent data or if there have been any changes to the information on file, carriers should provide updates of those information elements. Interested carriers that need to obtain copies of these documents may contact the Office of Aviation Analysis at (202) 366-1053.

Other Carrier Requirements

The Department is responsible for implementing various Federal statutes governing lobbying activities, drug-free workplaces, and nondiscrimination.³ Consequently, all

² The Department is the successor agency to the former Civil Aeronautics Board for the EAS program.

³ The regulations applicable to these areas are: (1) 49 CFR Part 20 – New restrictions on lobbying; (2) 49 CFR Part 21 – Nondiscrimination in federally-assisted programs of the Department of Transportation – Effectuation of title VI of the Civil Rights Act of 1964; 49 CFR Part 27 – Nondiscrimination on the basis of disability in programs and activities receiving or benefiting from Federal financial assistance; and 14 CFR

carriers receiving Federal subsidy for essential air service must certify that they are in compliance with Department regulations regarding drug-free workplaces and nondiscrimination, and those carriers whose subsidies exceed \$100,000 over the life of the rate term must also certify that they are in compliance with the regulations governing lobbying activities. All carriers that plan to submit proposals involving subsidy should submit the required certifications along with their proposals. Interested carriers requiring more detailed information regarding these requirements as well as copies of the certifications should contact the Office of Aviation Analysis at (202) 366-1053. The Department is prohibited from paying subsidy to carriers that do not submit these documents.

Community and State Comments

If we receive competing proposals, the community and the Commonwealth of Pennsylvania are welcome to submit comments on the proposals at any time. Early in the proceeding, comments on the proposals' strengths and weaknesses would be particularly helpful, and the civic parties may also express a preference for a particular carrier, if they choose. In any event, after conducting rate conferences with all applicants, we will provide a summary of the conference results to the civic parties and ask them to file their final comments.⁴

Requirement to Maintain Service

Air Midwest is the only carrier providing scheduled air service at Bradford, Pennsylvania. The community is guaranteed to receive service under the EAS program, and 49 U.S.C. 41734 requires that we prohibit Air Midwest from terminating service for an initial 30-day period beyond the end of its 90-day notice period, through July 14, 2003.⁵ We will require Air Midwest to provide two nonstop or one-stop round trips on weekdays and in total over the weekend in the Bradford – Pittsburgh market while we process the carrier replacement case.

This order is issued under authority delegated in 49 CFR 1.56a(f).

ACCORDINGLY,

1. We request that carriers interested in providing essential air service at Bradford, Pennsylvania, submit their proposals, with or without requests for subsidy, within 20 days of the service date of this order. An original and five copies of the proposal should be sent to the EAS and Domestic Analysis Division, X-53, Office of Aviation Analysis, Room 6401, Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, with the title: "Proposal to Provide Essential Air Service at Bradford, Pennsylvania (Docket OST-2003-14528);⁶

Part 382 - Nondiscrimination on the basis of disability in air travel; and (3) 49 CFR Part 29 – Government-wide debarment and suspension (non-procurement) and government-wide requirements for drug-free workplace (grants).

⁴ In cases where a carrier proposes to provide service without subsidy and we determine that service can be reliably provided without such compensation, we do not normally hold rate conferences. Instead, we rely on the carrier's subsidy-free service as proposed.

⁵ In accordance with 49 U.S.C. 41734(c), we will extend Air Midwest's service obligation for successive 30-day periods as necessary until replacement service actually begins.

⁶ After serving a copy of its proposal on the civic officials of Bradford, the Commonwealth of Pennsylvania, and each of the other applicants, each applicant must then file a certification of service with the Department's

2. The Department prohibits Mesa Air Group, Inc., d/b/a Air Midwest, from terminating service at Bradford, Pennsylvania, at the end of its 90-day notice period, and requires it to maintain at least two nonstop or one-stop round trips each weekday and weekend to Pittsburgh, Pennsylvania, through July 14, 2003, or until a carrier capable of providing reliable essential air service actually begins service, whichever comes first;
3. The Department directs Mesa Air Group, Inc., d/b/a Air Midwest, to retain all books, records, and other source and summary documents to support subsidy claims for payment, and to preserve and maintain such documentation in a manner that readily permits its audit and examination by representatives of the Department. Such documentation shall be retained for seven years or until the Department indicates that the records may be destroyed. Copies of flight logs for aircraft sold or disposed of must be retained. The carrier may forfeit its compensation for any claim that is not supported under the terms of this order;
4. This docket will remain open until further order of the Department; and
5. We will serve a copy of this order on the Mayors and airport manager of Bradford, the Governor of Pennsylvania, the Bureau of Aviation of the Pennsylvania Department of Transportation, Mesa Air Group, Inc., d/b/a Air Midwest, and the carriers listed in Appendix C.

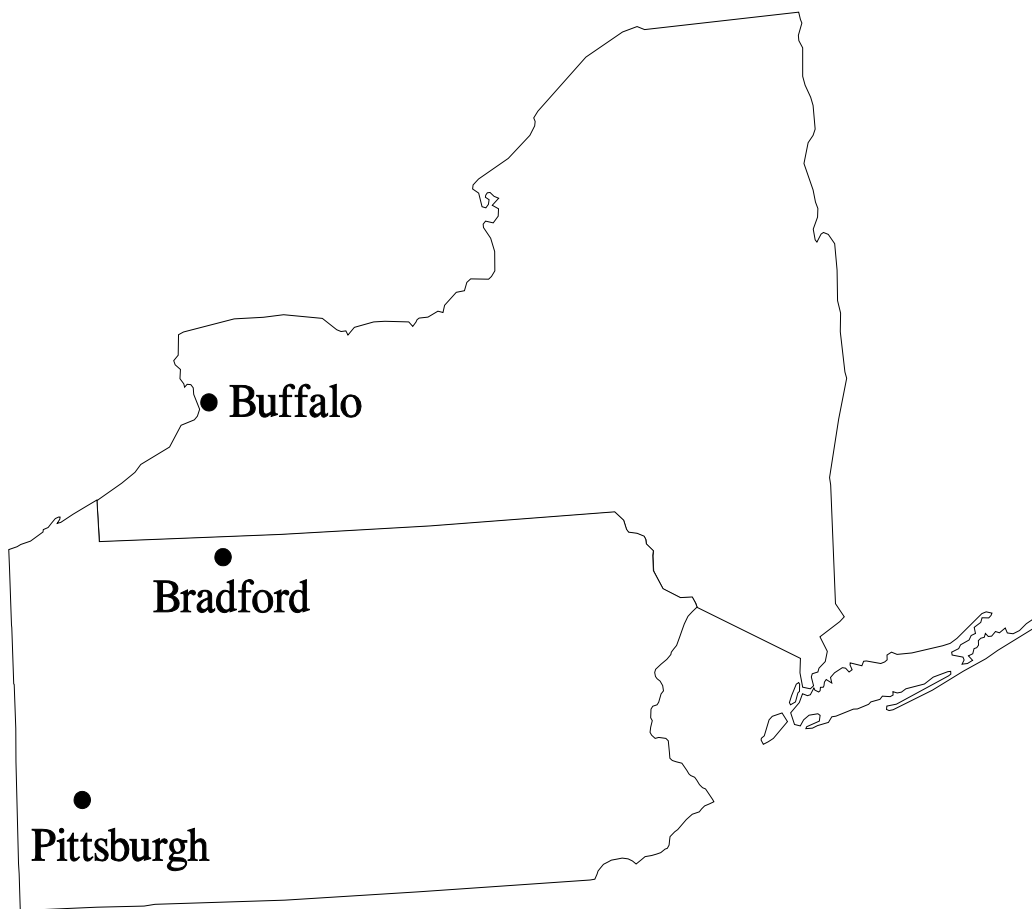
By:

Read C. Van de Water
Assistant Secretary for Aviation
and International Affairs

(SEAL)

*An electronic version of this document is available on the World Wide Web at
<http://dms.dot.gov>*

AREA MAP



Air Passenger Traffic at Bradford, Pennsylvania

Year	Origination & Destination Passengers⁷	Average Annual Enplanements⁸	Average Enplanements per Service Day⁹
1985	10,239	5,120	16.4
1986	9,764	4,882	15.6
1987	9,909	4,955	15.8
1988	12,007	6,004	19.1
1989	12,240	6,120	19.6
1990	13,860	6,930	22.1
1991	14,310	7,155	22.9
1992	16,580	8,290	26.4
1993	14,737	7,369	23.5
1994	16,045	8,023	25.6
1995	28,799	14,400	46.0
1996	24,605	12,303	39.2
1997	26,825	13,413	42.6
1998	24,810	12,405	39.6
1999	24,366	12,183	38.9
2000	25,731	12,866	41.0
2001	17,776	8,888	28.4
YE 9/30/2002	12,386	6,870	21.9

⁷ Source: U.S. Department of Transportation, Bureau of Transportation Statistics, Form 298-C, Schedule T-1, as reported for the period indicated.

⁸ Origin & Destination passengers divided by two.

⁹ Average annual enplanements divided by 313 effective service days (314 service days in leap years).

SERVICE LIST FOR THE STATE OF PENNSYLVANIA

Air Wisconsin, Inc.	Lee Mason
Amerijet International, Inc.	John McFarlane
Chautauqua Airlines, Inc.	Eric Nordling
Chester County Aviation, Inc.	Mark Prange
Colgan Air	John Sinisi
Columbia Aviation, Inc.	
Corporate Air, Inc.	
Delta Connection	
Enterprise Airlines, Inc.	
Executive Airlines, Inc.	
Heartland Aviation, Inc.	
Henson Aviation Inc.	
Horizon Air, Inc.	
Jetstream International Airlines, Inc.	
Long Island Airlines	
Metroflight, Inc.	
Midwest Express Airlines, Inc.	
New York Helicopter Corporation	
Northcoast Executive Airlines, Inc.	
Northwest Airlink	
Omniflight Helicopter Service, Inc.	
Pennsylvania Aviation, Inc.	
Southern Air Transport, Inc.	
Southern Jersey Airways, Inc.	
Travelair, Inc.	
Westward Airways, Inc.	

Chester Anderson
Ken Bannon
Grecorio Salas Calvo, Jr.
Sabrina Cranor
Doug Franklin
E.B. Freeman
Douglas Gumula
Edward Harahusk
A. Edward Jenner